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FACSIMILE COVER SHEET

Date: <b>November 21, 2008</b>	Client & Matter Number: <b>027672-000110US</b>	No. Pages (including this one): <b>9</b>
To: <b>Examiner Paul Kim Art Group Number 2161</b>	At Fax Number: <b>571-273-8300</b>	Confirmation Phone Number:

**From:** Thomas D. Franklin **(0360)**

**Message:**

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61458592 v1

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PTOL-413A (10-08)

**Applicant Initiated Interview Request Form**Application No.: 10/767,216First Named Applicant: Pamela R. LipsonExaminer: Paul KimArt Unit: 2161Status of Application: Pending**Tentative Participants:**(1) Thomas D. Franklin(2) Paul Kim

(3) \_\_\_\_\_

(4) \_\_\_\_\_

Proposed Date of Interview: November 24, 2008Proposed Time: 3 pm AM/PM**Type of Interview Requested:**(1)  Telephonic      (2)  Personal      (3)  Video Conference

Exhibit To Be Shown or Demonstrated:

 YES NO

If yes, provide brief description: \_\_\_\_\_

**Issues To Be Discussed**

Issues (Rej., Obj., etc.)	Claims/ Fig.#s	Prior Art	Discussed	Agreed	Not Agreed
(1) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

 Continuation Sheet Attached**Brief Description of Argument to be Presented:**

Further discuss claim amendments that were brought up in call with Examiner Kim on November 20, 2008.

An interview was conducted on the above-identified application on \_\_\_\_\_.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

\_\_\_\_\_  
Applicant/Applicant's Representative Signature\_\_\_\_\_  
Thomas D. Franklin\_\_\_\_\_  
Typed/Printed Name of Applicant or Representative\_\_\_\_\_  
43,616\_\_\_\_\_  
Registration Number, if applicable\_\_\_\_\_  
Examiner/SPE Signature

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By: \_\_\_\_\_

**AMENDMENT UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE –  
EXAMINING GROUP 2161**

PATENT

Attorney Docket No.: 027672-000110US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Pamela R. Lipson et al.

Application No.: 10/767,216

Filed: January 29, 2004

For: INFORMATION SEARCH AND  
RETRIEVAL SYSTEM

Customer No.: 20350

Confirmation No. 2597

Examiner: Paul Kim

Technology Center/Art Unit: 2161

**AMENDMENT UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE EXAMINING  
GROUP 2161**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Sir:

In response to the Final Office Action mailed July 31, 2008 on the above-referenced application, please enter the following amendments and remarks:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 6 of this paper.

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Appl. No. 10/767,216  
Ammdt. dated November 21, 2008  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 2161

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 **DRAFT**

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) An image processing system for searching images on a network, the image processing system comprising:

(a) a search engine;

(b) an image analyzer coupled to said search engine, said image analyzer for comparing first and second images provided thereto from said search engine, wherein:

the first image is associated with a first code associated with a first predetermined textual annotation,

the second image is associated with a second code associated with a second predetermined textual annotation,

the first code is descriptive of at least a region of the first image,

the second code is descriptive of at least a region of the second image, and

the image analyzer uses a matching algorithm for image analysis of the first and second images along with a comparison of the first and second codes in determining if the first and second images are likely to compare favorably, wherein:

the matching algorithm comprises a plurality of image factors, which influence the search algorithm,

the plurality of image factors are automatically analyzed, and

the matching algorithm is automatically tailored to a subset of image factors.

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2. (Previously Presented) The system of Claim 1 further comprising an input system coupled to one of said search engine and said image analyzer, said input system comprising at least one of: a graphical user interface; a facsimile system, a camera system; a scanner; a network connection; and a video system.

3. (Previously Presented) The system of Claim 21 wherein the matching algorithm defines at least one particular region of an image and at least one particular measurement to make on pixels within each of the at least one particular image region.

4. (Previously Presented) The system of Claim 3 wherein the matching algorithm defines at least one measurement to make on one or more pixels in an image region neighboring the one particular image region.

5. (Previously Presented) The system of Claim 1 further comprising a storage device having at least one image stored therein coupled to at least one of said a-search engine and said image analyzer.

6. - 20. (Canceled)

21. (Previously Presented) The system of Claim 1 wherein said image analyzer is provided information specific to a particular application to modify a matching algorithm used in determining if the first and second images compare favorably.

22. (Currently Amended) An image processing system for processing images stored on a network, the image processing system comprising:

a search engine coupled to the network;

an image analyzer coupled to said search engine, wherein:

the first image is associated with a first code,

the second image is associated with a second code,

the first code is descriptive of the first image's content and is determined before matching by the image analyzer,

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the second code is descriptive of the second image's content and is determined before matching by the image analyzer, and  
the image analyzer uses a matching algorithm and automatically analyzes the first and second images and the first and second codes in determining if the first and second images are likely to compare favorably,  
the matching algorithm comprises a plurality of image factors, which influence the search algorithm,  
the plurality of image factors are automatically analyzed, and  
the matching algorithm is automatically tailored to a subset of image factors; and

an input system coupled to at least one of said search engine and said image analyzer, wherein the input system is accessible from the Internet.

23. (Previously Presented) The image processing system for processing images stored on the network as recited in claim 22, wherein said image analyzer is provided information specific to a particular application to modify a matching algorithm used in determining if the first and second images compare favorably.

24. (Previously Presented) The image processing system for processing images stored on the network as recited in claim 22, wherein said input system comprising of at least one of: a graphical user interface; a facsimile system; a camera system; a scanner; a network connection; and a video system.

25. - 35. (Canceled)

36. (Canceled)

37. (Previously Presented) The system of Claim 1, wherein:  
the second image is part of a plurality of images, which are associated with a plurality of codes,

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the image analyzer compares the first code and the plurality of codes to find a subset of the plurality of images that compare favorably, wherein the second image is part of the subset.

38. (Previously Presented) The system of Claim 1 wherein at least one of the first and second predetermined textual annotations is human determined.

39. (Previously Presented) The image processing system for processing images stored on the network as recited in claim 22, wherein the first code is textual and derived with manual determination.

40. - 68. (Canceled)

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**REMARKS/ARGUMENTS**

**Amendments**

The claims are modified in the amendment. More specifically, claim 36 have been cancelled; and new claims 1 and 22 have been added. Therefore, claims 1-5, 21-24, and 37-39 are present for examination. No new matter is added by these amendments. Applicant respectfully requests reconsideration of this application as amended.

**Interviews After Final**

Twice this week, Examiner Kim granted interviews to discuss potential claim amendments. As any interview after final is discretionary, these opportunities are truly appreciated.

**35 U.S.C. § 102 Rejection, Smith et al. in view of Barber et al.**

The Office Action has rejected claims 1-5 and 22-24 under 35 U.S.C. §102 as being unpatentable over the cited portions of non-patent literature document "*Tools and techniques for color image retrieval*" to Smith et al. (hereinafter "Smith") in view of the cited portions of U.S. Patent No. 6,804,684 to Stubler et al. (hereinafter "Stubler"). The amended claims are believed patentable over Smith and Stubler. Among other reasons, neither Smith nor Stubler teach or suggest automatically adjusting the image factors used by the search algorithm.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

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Amendment under 37 CFR 1.116 Expedited Procedure  
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**DRAFT**

Respectfully submitted,

Thomas D. Franklin  
Reg. No. 43,616

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor

PAGE 9/9 \*RCVD AT 11/21/2008 6:04:55 PM [Eastern Standard Time]\* SVR:USPTO-EFXRF-4/17\*DNIS:2738300\*CSID:4155760300\*DURATION (mm:ss):11:50

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